

REMARKS

I. Introduction

Claims 1, 2 and 4-17 are currently pending. Claim 1 has been amended to incorporate the elements of canceled claim 3. Claim 17 has been added, and is supported by original claim 13. Claims 2, 6 and 13 has been amended to correct informalities. Claims 4, 10, 11 and 14-16 have been amended to correct claim dependencies. No new matter has been added.

Applicants acknowledge with appreciation the Examiner's indication of claims 2 and 4-14 as being allowable if rewritten in independent form.

Applicants respectfully submit that the foregoing amendments and for the following reasons, the claims are in condition for allowance and request that the application be passed to issue.

II. Claim Objections

Claim 2 was objected for including an informality. It is respectfully submitted that the amendments to claim 2 obviate this rejection. Furthermore, claims 10, 11, 15 and 16 were objected to under 37 C.F.R. § 1.75(c) as allegedly being in multiple dependent form. Applicants respectfully submit that the amendments to the claims obviate this rejection.

Therefore withdrawal of the objections is requested.

III. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 3, 15 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Johnson U.S. 1,974,961. Applicants respectfully disagree. However, in an effort to expedite prosecution, claim 1 has been amended and now recites, in pertinent part, "[a] hydraulic machine which can exchange hydraulic fluid pressure with rotational motion of an output means . . . **and means for varying the eccentricity of the crankshaft to cause the stroke length of the**

pistons to be varied between zero and the maximum length of the stroke.” [Emphasis added]. At a minimum, Johnson does not disclose such a configuration.

The Examiner at pages 2-3 of the office action mailed December 3, 2008, asserts that Johnson discloses a hydraulic machine with “a plurality of piston and cylinder assemblies 27 about at least one crank shaft 16 coupled to the output means, and means for varying the eccentricity 39 of the crank shaft 16, wherein the means of varying the eccentricity 39 of the crank shaft causes the stroke length of the pistons to be varied between zero and the maximum length of the stroke”. However, it is respectfully submitted, that, the Examiner's discussion of the citation is not consistent with the disclosure.

In particular, Johnson discloses a hydraulic machine that has an output shaft 20 (not illustrated in Figure 3) connected to a cylinder flange 18, which in turn is bolted to cylinder rotor 14. The cylinder rotor 14 rotates within the casing 9 to rotate with the output shaft 20. The cylinder rotor 14 is provided with pistons 27 that operate in cylinder bores defined by the cylinder rotor 14. The pistons 27 are arranged with followers on their inner ends. In the embodiment shown in Figures 1 and 2 the followers are shoes 31, whereas in the embodiment shown in Figures 3 and 4 the followers are rollers 43, 44. This arrangement is described on page 1, lines 71 to 109.

The hydraulic machine of Johnson has eccentric cams 33 mounted on a cam shaft 16. In operation of the machine, the cylinder rotor 14 rotates within the casing 9 with followers of the pistons following the periphery of the eccentric cams 33. In this way, the pistons 27 reciprocate within their respective bores. As described on page 1, lines 71 to 73, and page 1, line 110 to page 2, line 2, the shaft 16 is supported at each end, and is normally stationary. However, the shaft 16 and eccentric cams 33 can be rotated by a locking lever 39. Rotating the shaft 16 merely

rotates the eccentric cams 33, which changes the location of "top dead centre" and "bottom dead centre" of the pistons 27 relative to the casing 9. Importantly, the adjustment of shaft 16 does not change the stroke length of the pistons, but in contrast **always allows the pistons to travel their full stroke** (see page 2, lines 37 to 40).

As such, it is clear that Johnson does not disclose, or suggest, a hydraulic machine with piston and cylinder assemblies arranged about a crank shaft. Furthermore, Johnson does not disclose any means for varying the eccentricity of such a crank shaft to cause the stroke length of the pistons to be varied between zero and the maximum length of the stroke, as recited in amended claim 1.

For the above reasons, Applicants submit that Johnson fails to disclose all of the elements of amended claim 1. Accordingly, claim 1 is allowable. Furthermore, claims 2 and 4-17 depend from and further define the subject matter of claim 1, and therefore are also allowable.

IV. Claim Rejections Under 35 U.S.C. § 103(a)

Claim 16 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Johnson in view of Thompson U.S. 2,316,115. Applicants respectfully disagree. However, in an effort to expedite prosecution, claim 1 has been amended as discussed *supra*, in reference to the rejection under 35 U.S.C. § 102(b) over Johnson. As discussed above, at a minimum, Johnson fails to teach or suggest a "[a] hydraulic machine which can exchange hydraulic fluid pressure with rotational motion of an output means . . . and means for varying the eccentricity of the crankshaft to cause the stroke length of the pistons to be varied between zero and the maximum length of the stroke," as recited in now amended claim 1.

Furthermore, Thompson fails to ameliorate the deficiencies of Johnson, at least because Thompson also does not teach or suggest "[a] hydraulic machine which can exchange hydraulic

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fluid pressure with rotational motion of an output means . . . and means for varying the eccentricity of the crankshaft to cause the stroke length of the pistons to be varied between zero and the maximum length of the stroke,” as recited in amended claim 1.

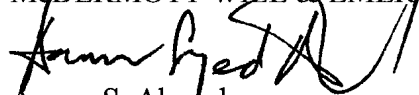
Therefore, none of the cited prior art references teach or suggest all of the elements of claim 1. Accordingly, claim 1 is allowable. Furthermore, claims 2 and 4-17 (including claim 16), depend from and further define the subject matter of claim 1 and therefore are also allowable.

In view of the above amendments and remarks, Applicants respectfully submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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